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## Appendix III

### Vote by correspondence on the deferral of the 109th Session of the International Labour Conference

#### *Letter of 30 March 2020*

Dear members of the Governing Body,

The extraordinary impact of the rapid spread of the COVID-19 pandemic is being felt more and more around the globe. In view of the severe restrictions on travel and personal interaction, and the need to protect the health and well-being of people, I am writing, with the endorsement of the Officers of the Governing Body and the tripartite Screening Group, to recommend to the Governing Body to defer the 109th Session of the International Labour Conference (25 May to 5 June 2020) until June 2021 and, as a consequence, to cancel the associated 338bis and 339th sessions of the Governing Body, scheduled for 25 May and 6 June 2020 respectively.

In reviewing this proposal, the Officers and the Screening Group were satisfied that only the Governing Body has the authority to make a decision to defer the sessions of the Conference, and that in view of the global situation it was appropriate for it to be asked to do so. The attached document provides the underlying analysis of the legal and other matters the Officers and Screening Group took into account in their endorsement of my recommendation.

You can indicate your response to my recommendation by return email either with a message or by ticking the yes, no or abstention box underneath the question below. The absence of a response will be deemed to be support for the recommendation. To be considered, responses must be received by 18h00 (Geneva time) Friday, 3 April 2020.

**Are you in favour of the proposal that the 109th Session of the Conference (25 May to 5 June 2020) be deferred until June 2021, and, as a consequence, the associated 338bis and 339th sessions of the Governing Body, scheduled for 25 May and 6 June 2020 respectively, be cancelled?**

**Yes**

**No**

**Abstention**

In accordance with usual Governing Body practice, the Chairperson of the Governing Body will assess the responses received to determine if consensus exists. If the Chairperson considers that there is no consensus, a count of the responses will be undertaken to determine if there is a simple majority of regular members in support of the proposal.

Subject to the results of the ballot, the Officers of the Governing Body and the members of the Screening Group have agreed to meet again to review all issues relating to the agendas of the Conference and the 338th, 339th and 340th Sessions of the Governing Body, following which we will provide further proposals to Governing Body members on the options for dealing with those issues.

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The Office will keep a documented record of these various steps, and Governing Body members and member States will be kept informed of their outcome of in due course.

I would also like to take this opportunity to reassure you that the Office is continuing to work effectively in these challenging times and we are directing significant efforts towards addressing policy and technical responses to the pandemic, for the immediate and long term. We will communicate with you further in the coming weeks on this and also on proposals for engaging with you on these critical issues in the months ahead.

Yours sincerely,

Guy Ryder  
Director-General

## Results of the ballot

| REGULAR MEMBERS/MEMBRES TITULAIRES/MIEMBROS TITULARES |                  |                 |          |  | DEPUTY MEMBERS/MEMBRES ADJOINTS/MIEMBROS ADJUNTOS |                  |                 |          |  |
|---|------------------|-----------------|----------|--|---|------------------|-----------------|----------|--|
| GOVERNMENTS<br>GOUVERNEMENTS<br>GOBIERNOS             | YES<br>OUI<br>SÍ | NO<br>NON<br>NO | ABS.     | NO RESPONSE<br>PAS DE REPONSE<br>SIN RESPUESTA | GOVERNMENTS<br>GOUVERNEMENTS<br>GOBIERNOS         | YES<br>OUI<br>SÍ | NO<br>NON<br>NO | ABS.     | NO RESPONSE<br>PAS DE REPONSE<br>SIN RESPUESTA |
| Azerbaijan  | X                |                 |          |  | Australia   | X                |                 |          |  |
| Bahrain   | X                |                 |          |  | Bangladesh  | X                |                 |          |  |
| Barbados  | X                |                 |          |  | Brunei Darussalam                                 |                  |                 |          | X  |
| Brasil  | X                |                 |          |  | Bulgaria  | X                |                 |          |  |
| Canada  | X                |                 |          |  | Cameroun  | X                |                 |          |  |
| Chile   | X                |                 |          |  | Cuba  | X                |                 |          |  |
| China   | X                |                 |          |  | Czechia   | X                |                 |          |  |
| Côte d'Ivoire   | X                |                 |          |  | Ecuador   | X                |                 |          |  |
| Ethiopia  | X                |                 |          |  | Eswatini  |                  |                 |          | X  |
| France  |                  |                 | X        |  | Finland   | X                |                 |          |  |
| Germany   | X                |                 |          |  | Greece  | X                |                 |          |  |
| India   |                  |                 |          | X  | Guatemala   | X                |                 |          |  |
| Iran (Islamic Republic of)                            | X                |                 |          |  | Indonesia   | X                |                 |          |  |
| Ireland   | X                |                 |          |  | Iraq  |                  |                 |          | X  |
| Italy   | X                |                 |          |  | Maroc   | X                |                 |          |  |
| Japan   | X                |                 |          |  | México  |                  |                 |          | X  |
| Korea (Republic of)                                   | X                |                 |          |  | Myanmar   | X                |                 |          |  |
| Lesotho   | X                |                 |          |  | Namibia   | X                |                 |          |  |
| Mauritanie  | X                |                 |          |  | Nepal   |                  |                 |          | X  |
| Panamá  | X                |                 |          |  | Nigeria   |                  |                 |          | X  |
| Perú  | X                |                 |          |  | Paraguay  | X                |                 |          |  |
| Poland  | X                |                 |          |  | Romania   | X                |                 |          |  |
| Russian Federation                                    |                  |                 |          | X  | Rwanda  |                  |                 |          | X  |
| Sénégal   |                  |                 |          | X  | Saudi Arabia                                      | X                |                 |          |  |
| Tchad   |                  |                 |          | X  | Suisse  | X                |                 |          |  |
| Thailand  | X                |                 |          |  | Turkey  | X                |                 |          |  |
| United Kingdom  |                  |                 |          | X  | Uganda  |                  |                 |          | X  |
| United States   | X                |                 |          |  | Uruguay   | X                |                 |          |  |
| <b>TOTAL</b>  | <b>22</b>        | <b>0</b>        | <b>1</b> | <b>5</b>                                       | <b>TOTAL</b>                                      | <b>20</b>        | <b>0</b>        | <b>0</b> | <b>8</b>                                       |

| REGULAR MEMBERS/MEMBRES TITULAIRES/MIEMBROS TITULARES |                  |                 |          |   | DEPUTY MEMBERS/MEMBRES ADJOINTS/MIEMBROS ADJUNTOS |                  |                 |          |   |
|---|------------------|-----------------|----------|---|---|------------------|-----------------|----------|---|
| EMPLOYERS<br>EMPLOYEURS<br>EMPLEADORES                | YES<br>OUI<br>SÍ | NO<br>NON<br>NO | ABS.     | NO RESPONSE<br>PAS DE REPOSE<br>SIN RESPUESTA | EMPLOYERS<br>EMPLOYEURS<br>EMPLEADORES            | YES<br>OUI<br>SÍ | NO<br>NON<br>NO | ABS.     | NO RESPONSE<br>PAS DE REPOSE<br>SIN RESPUESTA |
| Mr Scott BARKLAMB                                     | X                |                 |          |   | Mr Adnan ABU EL RAGHEB                            |                  |                 |          | X   |
| M. Hamidou DIOP                                       | X                |                 |          |   | Mr Farooq AHMED                                   | X                |                 |          |   |
| Mr Rajeev DUBEY                                       | X                |                 |          |   | Mme Joséphine ANDRIAMAMONJIARISON                 | X                |                 |          |   |
| Sr. Alberto ECHAVARRÍA                                | X                |                 |          |   | Mr John BECKETT                                   | X                |                 |          |   |
| Ms Renate HORNUNG-DRAUS                               |                  |                 |          | X   | Sr. Pablo DRAGÚN                                  | X                |                 |          |   |
| Sr. José María LACASA ASO                             |                  |                 |          | X   | M. Khelil GHARIANI                                | X                |                 |          |   |
| Mr Thomas MACKALL                                     | X                |                 |          |   | Mr Vern GILL                                      |                  |                 |          | X   |
| Mr Hiroyuki MATSUI                                    | X                |                 |          |   | Mr Chariton KYRIAZIS                              |                  |                 |          | X   |
| Mr Khalifa MATTAR                                     | X                |                 |          |   | Ms Hansong LIU                                    | X                |                 |          |   |
| Mr Mthunzi MDWABA                                     |                  |                 |          | X   | Sr. Juan MAILHOS                                  |                  |                 |          | X   |
| M. El Mahfoudh MEGATELI                               | X                |                 |          |   | M. Blaise MATTHEY                                 | X                |                 |          |   |
| Mr Henrik MUNTHE                                      | X                |                 |          |   | Ms Marina MOSKVINA                                | X                |                 |          |   |
| Mme Anne VAUCHEZ                                      | X                |                 |          |   | Ms Jacqueline MUGO                                |                  |                 |          | X   |
| Sr. Fernando YLLANES                                  |                  |                 |          | X   | M. Koffi N'DRI                                    | X                |                 |          |   |
|   |                  |                 |          |   | Mr Olusegun OSHINOWO                              | X                |                 |          |   |
|   |                  |                 |          |   | Sr. Guido RICCI                                   | X                |                 |          |   |
|   |                  |                 |          |   | Mr Ton SCHOENMAECKERS                             | X                |                 |          |   |
|   |                  |                 |          |   | Mr Joze SMOLE                                     |                  |                 |          | X   |
|   |                  |                 |          |   | Mr Ancheta TAN                                    |                  |                 |          | X   |
| <b>TOTAL</b>  | <b>10</b>        | <b>0</b>        | <b>0</b> | <b>4</b>                                      | <b>TOTAL</b>                                      | <b>12</b>        | <b>0</b>        | <b>0</b> | <b>7</b>                                      |
| REGULAR MEMBERS/MEMBRES TITULAIRES/MIEMBROS TITULARES |                  |                 |          |   | DEPUTY MEMBERS/MEMBRES ADJOINTS/MIEMBROS ADJUNTOS |                  |                 |          |   |
| WORKERS<br>TRAVAILLEURS<br>TRABAJADORES               | YES<br>OUI<br>SÍ | NO<br>NON<br>NO | ABS.     | NO RESPONSE<br>PAS DE REPOSE<br>SIN RESPUESTA | WORKERS<br>TRAVAILLEURS<br>TRABAJADORES           | YES<br>OUI<br>SÍ | NO<br>NON<br>NO | ABS.     | NO RESPONSE<br>PAS DE REPOSE<br>SIN RESPUESTA |
| Mr Francis ATWOLI                                     | X                |                 |          |   | Sr. Antonio AMANCIO VALE                          | X                |                 |          |   |
| Ms Silvana CAPPUCCIO                                  | X                |                 |          |   | Mr Zahoor AWAN                                    | X                |                 |          |   |
| Mr R. Pillai CHANDRASEKHARAN                          |                  |                 |          | X   | Ms Amanda BROWN                                   | X                |                 |          |   |
| Ms Marie CLARKE WALKER                                | X                |                 |          |   | Ms Annette CHIPELEME                              | X                |                 |          |   |
| M. Luc CORTEBEECK                                     | X                |                 |          |   | Mr Plamen DIMITROV                                | X                |                 |          |   |
| Sra. Maria Fernanda FRANCISCO                         | X                |                 |          |   | Mme Amal EL AMRI                                  |                  |                 |          | X   |
| Ms Akiko GONO   | X                |                 |          |   | Sra. Eulogia FAMILIA                              |                  |                 |          | X   |
| Mr Guangping JIANG                                    | X                |                 |          |   | Sra. Rosa Elena FLERZ GONZÁLEZ                    | X                |                 |          |   |
| Sr. Gerardo MARTINEZ                                  | X                |                 |          |   | M. Mody GUIRO                                     | X                |                 |          |   |
| Ms Catelene PASSCHIER                                 | X                |                 |          |   | Mr Said IQBAL                                     | X                |                 |          |   |
| Mr Kelly ROSS   |                  |                 |          | X   | Ms Mary LIEW KIAH ENG                             | X                |                 |          |   |
| M. Bernard THIBAUT                                    | X                |                 |          |   | Ms Claudia MENNE                                  | X                |                 |          |   |
| Mr Ayuba WABBA  |                  |                 |          | X   | Ms Toni MOORE                                     |                  |                 |          | X   |
| Mr Richard WAGSTAFF                                   |                  |                 |          | X   | M. Modeste NDONGALA                               | X                |                 |          |   |
|   |                  |                 |          |   | Mr Magnus NORDDAHL                                | X                |                 |          |   |
|   |                  |                 |          |   | Mr Bheki NTSHALINTSHALI                           |                  |                 |          | X   |
|   |                  |                 |          |   | Ms Binda PANDEY                                   |                  |                 |          | X   |
|   |                  |                 |          |   | Mr Mohammed Shafer SAED                           |                  |                 |          | X   |
|   |                  |                 |          |   | Mr Alexey ZHARKOV                                 | X                |                 |          |   |
| <b>TOTAL</b>  | <b>10</b>        | <b>0</b>        | <b>0</b> | <b>4</b>                                      | <b>TOTAL</b>                                      | <b>13</b>        | <b>0</b>        | <b>0</b> | <b>6</b>                                      |

| TOTAL  | YES<br>OUI<br>SÍ | NO<br>NON<br>NO | ABSTENTION<br>ABSTENCIÓN | NO RESPONSE<br>PAS DE REPONSE<br>SIN RESPUESTA |
|--|------------------|-----------------|--------------------------|--|
| Regular members /membres titulaires / miembros titulares | 42               | 0               | 1                        | 13   |
| Deputy members /membres adjoints / miembros adjuntos     | 45               | 0               | 0                        | 21   |
| All members / tous les membres / todos los miembros      | 87               | 0               | 1                        | 34   |

## Comments from Governing Body members

|                  |  |
|------------------|--|
| <b>Australia</b> | <p>With regard to the exceptional circumstances created by the COVID19 pandemic, Australia agrees with your recommendation to defer the 2020 session of the International Labour Conference (ILC) and to cancel the 338bis and 339th sessions of the Governing Body. Australia would like to see at the 2021 session of the ILC a discussion on the responses to, and recovery from, the pandemic, given the unprecedented global impact it is having on labour and the economy. We understand that at the Screening Group meeting last week many other governments and the social partners were also of this view.</p>  |
| <b>Brazil</b>    | <p>With reference to your electronic communication of 30 March 2020, I have the honour to communicate that the Government of Brazil agrees with your recommendation to defer the 109th Session of the ILC, in its entirety, to the period of June 2021, as well as to cancel the 338bis and 339th sessions of the Governing Body (scheduled for 25 May and 6 June 2020, respectively). In Brazil's view, this is the only viable, legitimate and responsible option that the ILO's constituents can adopt, in light of the COVID-19 pandemic, as to the holding of a meeting such as the ILC. Any other alternative, as the Office correctly pointed out in the document prepared for the members of the Governing Body, presents insurmountable problems in substantive and/or logistical terms, which would lead us away from a consensus-based solution.</p> <p>I take the opportunity to also record the position of the Government of Brazil in favour of transferring the agenda of the session that would have been held in 2020 to the session to be held in 2021. However, we understand the need to include an item regarding the programme and budget for the biennium 2022–23. We also have the greatest consideration to discuss, at the most appropriate moment, the best ways to incorporate into our discussion in 2021 the issue of the impacts and consequences of the COVID-19 pandemic on the world of work.</p>   |
| <b>Bulgaria</b>  | <p>Given the current extraordinary situation caused by the outbreak of the COVID-19 pandemic, Bulgaria supports the proposal of the Director-General to recommend to the Governing Body that the 109th Session of the ILC (25 May to 5 June 2020) be deferred until June 2021 and the 338bis and 339th sessions scheduled for 25 May and 6 June 2020 respectively, be cancelled. Our position is based on the following arguments:</p> <ol style="list-style-type: none"> <li>1. the existing uncertainty about the duration of the spread of the virus and the lack of evidence-based forecasts that the COVID-19 outbreak will be mitigated soon make it impossible to hold a conference of such a large scale without serious health risks that could affect both the hosting and sending countries;</li> <li>2. we took note of the existing Swiss restrictions for response to COVID-19;</li> <li>3. the constitution of a national tripartite delegation for participation in the ILC is a long process in Bulgaria that requires the approval of the Council of Ministers as well as the consent of all ministries. Given the long administrative procedure as well as the logistic matters that we have to deal with well in advance (such as hotel reservations, plane tickets etc.) we find it reasonable that the 109th Session of the ILC be deferred until next year;</li> <li>4. we also do recognize and share the concerns with regard to possible alternatives to the deferral of the 109th Session to June next year, such as the organization of a reduced ILC later in 2020 or early in 2021. Given the enormous work performed during the ILC, including extended night sittings that often take place, we do not see how it is feasible to shorten it further than the two-week format. The efficiency of such a session would also be questionable. Moreover, the importance of the ILC may be diminished as the attendance of Heads of State, ministers and senior representatives of social partners would be unlikely.</li> <li>5. we also note the concerns expressed in the circulated document "Consideration of the deferral of the 109th Session of the International Labour Conference", concerning the possibility to find an available time slot and space in Geneva for an ILC session late in 2020 or in the beginning of 2021 as many international organizations with headquarters in Geneva would also take steps to reschedule their sessions and meetings as a result of COVID-19.</li> </ol> |

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| <b>Finland</b>       | <p>In general, Finland agrees with the deferral of the 109th Session of the ILC and the cancellation of the 338bis and 339th sessions of the Governing Body connected to it.</p> <p>However, we would like to reiterate our views concerning these proposed changes.</p> <p>We would have appreciated to organize a virtual meeting at least for the Governing Body elections. Viable digital solutions exist, and in our view, the relevant decision-making rules and procedures of the ILO should be revised to make it possible to ensure its governance functionality even in exceptional circumstances.</p> <p>The proposed deferral of the ILC and therefore the deferral of the Governing Body elections causes quite some harm and challenges for smaller rotating member States like Finland and other Nordic countries. We are already quite close to summer, and many rotating Governing Body members have planned their human resources in the Geneva missions (or those to be sent back to capitals). So, in general, we see that the ILO should take advantage of this unfortunate situation to update its rules and working methods and be prepared for possible similar situations in the future, increasing its ability in respect of crisis management.</p> <p>Having said this, we do hope that during and in the aftermath of the crisis, the ILO could keep the momentum of the Centenary Conference and continue its activities as far as possible.</p>  |
| <b>France</b>        | <p>By its abstention vote today, as a member of the Governing Body, France expresses its deepest regret that all the proposals on holding the International Labour Conference in a reduced format and with appropriate arrangements to ensure health security have been dismissed.</p> <p>France is committed to continuity in the operation of the international public service and holding statutory meetings is the way to ensure such continuity. Other international organizations have chosen this option, with the support of France.</p> <p>We understand that the unpredictable situation prevailing in the world due to the COVID-19 pandemic renders it physically impossible to hold the Conference this year in its usual format, but we believe that, at the very least, the election of Governing Body members or the holding of the Committee on the Application of Standards could have been organized using appropriate ways and means.</p> <p>In any event, and notwithstanding the exceptional situation, we express our reservation with respect to the idea that the Governing Body possesses an implied power to dispense with annual sessions of the Conference.</p> <p>France is historically committed to the irreplaceable role of the ILO in addressing the many important world of work issues. In the action it is carrying out today in response to the profound social and economic consequences of the COVID-19 pandemic, the ILO can count on France's support.</p>                              |
| <b>Germany</b>       | <p>The Government of Germany thanks the Office for the comprehensive information outlined in the recommendations circulated. We can follow the Office's argumentation why, in the current circumstances, the 109th Session of the ILC needs to be postponed to 2021. Therefore Germany votes in favour of the postponement. We are open to including a discussion on the impact of the pandemic on the world of work at the ILC in 2021.</p> <p>Yet, as we see strong multilateral coordination through strong multilateral institutions is an essential means to counter the COVID pandemic and soften its effects on people's health and social and economic well-being, we encourage the Office to look for new ways of communication that allow the Office and the constituents to exchange information, discuss and coordinate in this dynamic situation. As governments we are adapting our ways to communicate and decide, and we need to do the same in the institutions we are member of. We encourage the Office to closely exchange with the other (Geneva-based) United Nations organizations regarding innovative use of technology, etc. There is a need for creativity and intensive exchange and we will do everything to support the ILO in respect of effective tripartite crisis management.</p> <p>We are convinced that it is crucial in these times to strengthen the visibility of the ILO within the multilateral system and to further develop this system on the basis of the principles of the ILO.</p> |
| <b>United States</b> | <p>The Government of the United States votes YES for the proposal, with the accompanying explanation of vote. We request that the full text of the explanation of our vote be reflected verbatim in the record.</p> <p>Through our vote today, as a Governing Body member, the United States expresses its agreement with the recommendation to postpone the 109th Session of the ILC until June 2021. We concur that the unforeseeable situation prevailing globally as a result of the COVID-19 pandemic renders it materially impossible to hold the Conference this year, not least owing to the practical inability of conducting virtually a conference that involves the participation of thousands of government, employer, and worker representatives from nearly all 187 ILO member States. Our vote in favour of postponement should be understood in this unique context, and should not be regarded as support for the idea that the Governing Body possesses a general implied power to dispense with</p>  |

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annual sessions of the Conference notwithstanding article 3 of the ILO Constitution. We look forward to the day when we can again convene as an Organization to address the many important issues in the world of work.

#### **Late responses**

##### **United Kingdom**

In a communication dated 6 April 2020, the Government of the United Kingdom pointed to an IT error and requested that the UK's intended response in favour of the deferral and comments below be placed on record.

- (i) The circumstances under which this decision is being taken – the COVID-19 pandemic – are truly exceptional, and the bar for postponement should not be lowered beneath this. And
- (ii) It is the tripartite nature of the ILO – the Conference involving the participation of thousands of government, employer and worker representatives – which means that convening it by virtual means is not possible. This unique context should not be regarded as support for the idea that the Governing Body possesses a general implied power to dispense with annual sessions of the Conference notwithstanding article 3 of the ILO Constitution.

##### **Ms B. Pandey (Worker deputy member, Nepal)**

In a communication dated 4 April 2020, Ms Pandey indicated that her response in favour of the deferral of the 109th Session of the ILC to 2021 had been misrouted and requested that her intended vote be placed on record.